

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rosenberg et al.	Confirmation No.:	1791
Serial No.:	10/822,504	Art Unit:	1615
Filed:	April 12, 2004	Examiner:	Carlos A. Azpuru
Customer No.:	21559		
Title:	OSTEOINDUCTIVE BONE MATERIAL		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), Etex Corporation, the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by the assignee of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), Etex Corporation hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the application subsequent to the expiration date of U.S. Patent No. 7,582,309. Etex Corporation does not disclaim any

terminal part of any patent granted on the application prior to the expiration date of the full statutory term of U.S. Patent No. 7,582,309 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated below.

The undersigned (whose title is supplied below) is empowered to act on behalf of Etex Corporation in making this Terminal Disclaimer. Pursuant to 37 C.F.R. §§ 1.321(b)(3) and 3.73(b), the undersigned assignee of record certifies that Etex Corporation, a corporation, is the assignee of the entire right, title, and interest in the application by virtue of:

An assignment from the inventors of the application. The assignment was recorded in the Patent and Trademark Office at Reel/Frame 015490 / 0603 on December 22, 2004.

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is being filed to overcome a double patenting rejection in the application. Any patent granted on the application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that the patent is commonly owned with the application or patent that formed the basis for the rejection.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 29 Feb 2010

By: 

Printed Name: Steve Kim

Title: VP and CFO

For: Etex Corporation